

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

**STEVEN TYLER MCCRACKEN,
Plaintiff,**

Civil Action No. 7:21-cv-00647

v.

**STEPHEN CLEAR, et al,
Defendant(s),**

MEMORANDUM OPINION

**By: Thomas T. Cullen
United States District Judge**

Plaintiff, proceeding pro se, filed a civil rights complaint under 42 U.S.C. §1983. By order entered December 30, 2021, the court directed plaintiff to submit, within 20 days from the date of the order, the consent to withholding of the filing fees form in order to complete the application to proceed without the prepayment of the filing fee. Plaintiff was advised that a failure to comply would result in dismissal of this action without prejudice.

More than 20 days have elapsed, and plaintiff has failed to comply with the described conditions. Accordingly, the court will dismiss the action without prejudice and strike the case from the active docket of the court. Plaintiff may refile the claims in a separate action once plaintiff is prepared to comply with the noted conditions.

The Clerk is directed to send a copy of this Memorandum Opinion and accompanying Order to plaintiff.

ENTER: This 28th day of January, 2022.

/s/ Thomas T. Cullen

United States District Judge